

الايقاف على سبب الاختلاف

The Reasons Behind Differences of Opinion



By Shaykh

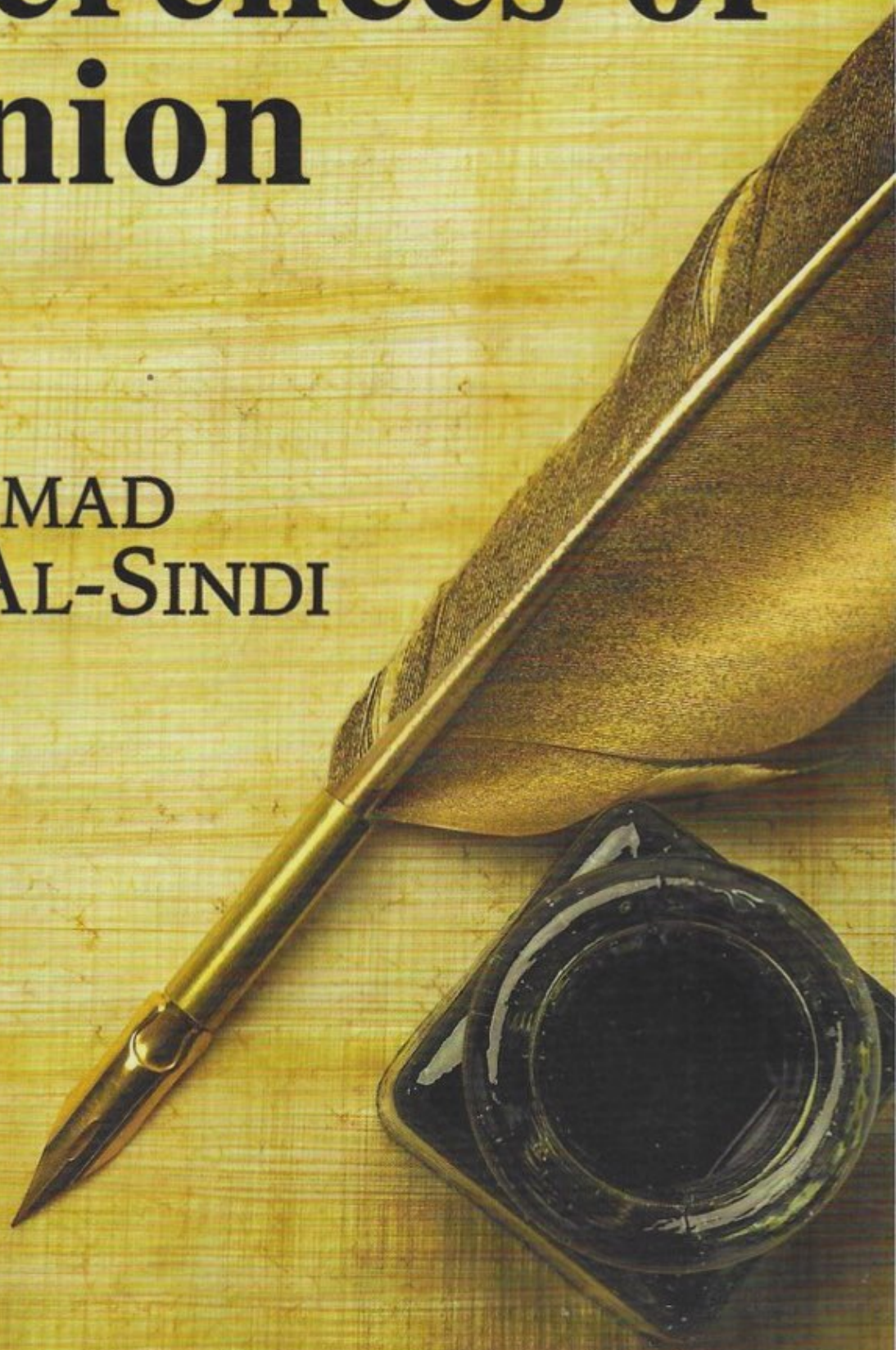
MUHAMMAD

HAYAT AL-SINDI

رحمته الله



DARUL IMAM MUSLIM





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The Reasons Behind Differences of Opinion

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الايقاف على سبب الاختلاف

THE REASONS BEHIND DIFFERENCES OF OPINION

MUḤAMMAD ḤAYĀT AL-SINDĪ

Translated by Umm ‘Abdillah F. Khanom

Edited by Abū Fāṭimah Azhar Majothi



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Arabic Transliteration Chart

th ث	t ت	b ب	a / i / u ا
d د	kh خ	ḥ ح	j ج
s س	z ز	r ر	dh ذ
ṭ ط	ḍ ض	ṣ ص	sh ش
f ف	gh غ	‘a / ‘i ع / ا	ẓ ظ
m م	l ل	k ك	q ق
y ي	w و	h ه	n ن

ī ي	ū و	ā آ / ا / اى
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aw / au أو	ay / ai أي
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EDITOR'S PREFACE

All praise is due to Allāh and may His peace and blessings be upon Muḥammad, his believing household and Companions. As for what follows:

The author of this short treatise, *Shaykh* Muḥammad Ḥayāt b. Ibrāhīm al-Sindī, was born towards the end of the 11th century A.H. in a small village close to Adilpur, in the district of Sukkur in Sindh. After his elementary studies in Qur'ān, the Arabic language and other sciences, al-Sindī travelled to Thatta, the ancient capital of Sindh, to take from its scholars; he later migrated to the Ḥijāz and studied in Makkah first, before finally settling in Madīnah where he died in the year 1163 A.H.

Al-Sindī benefitted from several major scholars of the time, including the *Muḥaddith* of Ḥijāz 'Abd Allāh b. Sālim al-Baṣrī, *Shaykh* Muḥammad al-Kirdī and the famed *Muḥaddith* of Madīnah, Muḥammad bin 'Abd al-Hādī al-Sindī, who he accompanied closely till his death, after which he inherited his seat in the Prophet's ﷺ *Masjid* to continue teaching the books of *ḥadīth*.

Although al-Sindī has long been acknowledged by Muslims as one of the great scholars of the 12th Century, he has more recently been the subject of much interest and debate by Western academics due to his influence on his most famed student, Imām Muḥammad b. 'Abd al-Wahhāb, and the traditionalist movements which developed in the 12th and 13th

centuries A.H. in Arabia, Africa and Asia. His written works clearly reveal his departure from the rigid *madhhabism* that was rife in his time, in particular, his works *Tuhfah al-Anām fī 'l-Amal bi Ḥadīth al-Nabī 'Alaihi 'l-Salam*, *Fath al-Ghafūr fī Wad' al-Aydī 'alā l'-Ṣudūr* and this treatise before you, *Al-Iqāf 'alā Sabab al-Ikhtilāf* – much of which is summarised from the works of Ibn Taymiyyah and Ibn Qayyim and is quite telling of al-Sindī's methodology and the climate in which he lived.

It is hoped that this translation¹ will serve as a concise introduction to the causes of division and differences of opinion, and remove the fetters of intolerance and fanaticism. Other books on the same subject should provide further details; notably, a larger and more comprehensive book by Shāh Walī l'-Allah al-Dihlawī – a contemporary of al-Sindī, entitled *Al-Inṣāf fī Bayān Sabab al-Ikhtilāf* which has been translated recently into English².

Written by one in need of Allāh's mercy,

Abū Fāṭimah Azhar Majothi

29 Rabī al-Awwal 1436 A.H. - Corresponding to 20 January 2015

¹ Translated from: Muḥammad Ḥayāt al-Sindī, *Al-Iqāf 'alā Sabab al-Ikhtilāf*, ed. Mash' al al-Jibrīn: Dār Ibn Ḥazm, 1996. The chapter headings are adapted from another edition by Muḥammad al-Baiḍānī (unpublished). Thanks to Moḥammad Dagher and Zulfiker Ibrāhīm for contributing to the initial draft.

² Marcia Hermansen, *Shāh Walī Allāh's Treatises on Islamic Law: Fons Vitae*, 2010.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

IN THE NAME OF ALLĀH,
THE ALL-MERCIFUL, THE BESTOWER OF MERCY.

Imām Muḥammad Ḥayāt al-Sindī ؒ said:

Exalted is He (Allāh), who, in His wisdom, divided intellect among the creation, and made them differ in comprehension. I ask for Allāh's peace and blessing to be bestowed on the chief of all noblemen (i.e. Muḥammad), his household and Companions until the Day of Standing.

As for what proceeds:

This is *Iqāf 'alā Sabab al-Ikhtilāf* (*The Notification Regarding the Reason Behind Differences of Opinion*).

Know, that Allāh selected Muḥammad ؐ from among His creation and made him a Messenger between Him and them; He taught him all that is connected to the religion which He commissioned him with.

[THE COMPANIONS ﷺ VARIED IN KNOWLEDGE, UNDERSTANDING AND COMPLIANCE]

The Prophet's ﷺ Companions, whom Allāh the Most High selected to accompany him and support his religion, took from the oceans of his knowledge; among them, were those who acquired a small amount while others, a substantial one according to their readiness, understanding and close adherence. In this regard, the people were *very* different. None of the Companions encompassed all of the Prophet's ﷺ knowledge or even his sayings for *the rivers cannot encompass the seas*.

Yet, the Prophet ﷺ did not die until he conveyed to his nation all of what he was commanded to convey to them. The Companions moved to different lands, different settings and countries. Thus, some of them had knowledge which others did not.

[THE COMPANIONS DIFFERED IN THEIR UNDERSTANDING OF THE TEXTS]

The Companions would sometimes differ regarding the meaning of the text, as occurred with those whom the Prophet ﷺ ordered not to perform the *ʿAsr* (Afternoon Prayer) except in Banū Quraizah; some of them adhered to

the literal meaning (of the Prophet's ﷺ saying and performed the 'Asr prayer there) while others interpreted it (and consequently performed it in its proper time before arriving at Banū Quraizah). And at times, they would differ in making deductions from the text through analogy, as occurred with 'Amr b. al-ʿĀṣ when he performed *tayammum* (dry ablution) to remove himself from the state of *janābah* (major ritual impurity) in very cold weather – an interpretation of Allah the Most High's saying:

وَلَا تَقْتُلُوا أَنْفُسَكُمْ

And do not kill yourselves...³

The Companions also differed in other things.

[ABU BAKR ﷺ, HIS KNOWLEDGE OF THE QUR'ĀN AND SUNNAH AND HIS CONSULTATION WITH OTHER COMPANIONS]

After the Prophet ﷺ died, his greatest minister and most honoured friend, Abu Bakr, took his place; he ﷺ would adhere to the Book of Allāh and what reached him from

³ Sūrah al-Nisā' (4:29).

the Prophet's ﷺ Sunnah. If he did not find the ruling in the Book of Allāh and the Prophet's Sunnah, he would consult the Companions ؓ; if he would find that they had a text (indicating the ruling), he acted upon it, taking into consideration that some of the *ahādīth* did not reach him; otherwise, he would apply analogy in the absence of any text, in accordance with the Book of Allāh and the Prophet's ﷺ Sunnah or one of them and act upon that.

[‘UMAR ؓ, HIS KNOWLEDGE OF THE QUR‘ĀN AND SUNNAH AND HIS CONSULTATION WITH OTHER COMPANIONS]

After Abu Bakr ؓ died, ‘Umar b. al-Khaṭṭāb ؓ took his place; he would adhere to the Qur‘ān and the Ḥadīth. If he didn't find anything (regarding a given ruling) in them, he would consult the Companions ؓ. If he found that they had a text, he would adopt it, taking into consideration that some of the narrations did not reach him; otherwise, he would often adhere to the saying of *Al-Ṣiddīq* (Abu Bakr ؓ) or he would perform his own *Ijtihād* and seek out the people's opinions. Whatever he saw to be correct he adopted and thus, he rarely erred in his opinion. Then ‘Umar returned to Allāh the Most High.

[‘UTHMĀN ؓ, HIS KNOWLEDGE OF THE QUR’ĀN AND SUNNAH AND HIS REFERENCE TO THE TWO SHAYKHS ؓ]

When ‘Umar ؓ died, *Dhu l’-Nūrain* (‘Uthmān b. ‘Affān) ؓ took his place. In his rulings, he would depend on the Book of Allāh, the Prophet’s Sunnah and on the sayings of the two *Shaykhs* (Abu Bakr and ‘Umar ؓ) often, or only sometimes. Then he too returned to Allāh the Most High.

[‘ALĪ ؓ AND HIS SUCCESSION TO THE KHILĀFAH AFTER ‘UTHMĀN ؓ]

After ‘Uthmān died, the husband of Al-Zahrā’ (‘Alī b. Abī Tālib ؓ) took his place. In his rulings, he would depend on the Book of Allāh, the traditions and analogy.

[THE COMPANIONS WERE THE MOST KNOWLEDGEABLE PEOPLE ABOUT THE BOOK AND SUNNAH, AND THE QUICKEST IN REVISING THEIR STATEMENTS AND ACTIONS IF A TEXT REACHED THEM]

The Companions ؓ were the most knowledgeable and well versed people about the Book of Allāh and the Prophet’s Sunnah. They would act upon these two sources and revise

their own sayings and actions if a ḥadīth reached them of which they had no previous knowledge.

The Companions did however differ in regards to some subsidiary religious rulings, yet they were not negligent in following and adhering to the truth. They dispersed in all four corners of the earth (North, East, South and West) and different people learnt the sciences from them. Then the number of Companions began to fall and the differing between the people began to rise; this was because the Companions were previously followed by those who learnt the sciences from them until they completely died out.

[THE TABI'ŪN AND THOSE WHO SUCCEEDED THEM]

The Scholars among the *Tābi'ūn* took the place of the Companions in issuing fatwas, etc. However, their differences increased owing to the variances in their degrees of knowledge and understanding.

Subsequently, the scholars who succeeded the *Tābi'ūn* took their place, and they further increased in their differing. However, at times they and the *Tābi'ūn* would agree about a matter that initially there was disagreement

over prior to them. Hence, the matter that they agreed upon became unanimous after there was differing over it.

[NO ERA HAS EXISTED IN WHICH THERE WERE NO PEOPLE OF IJTIHĀD, FATWĀ AND ḤADĪTH]

In every time and country, there have been numerous people who specialized in *ijtihād*, *fatwā*, *Ḥadīth*, etc. They had different juristic schools and various opinions. Allāh granted the pupils of the four Imams and their companions the success to preserve, write down and propagate their juristic schools such that followers of other schools became few due to a wisdom that no one knows but Allāh the Most High. Each school scrutinized others and yet they remained in effect.

[THE REASONS WHICH LED TO DIFFERENCES OF OPINION]

The causes of differing are so many that one is unable to enumerate them; among them are the following:

1. The difference in the people's degree of knowledge and understanding.

2. The fact that the texts are subject to the possibility of differences in regards to words, syntax, construction, context, and so on.

Ibn Qayyim relates the following observation of Ibn Ḥazm:

A person may memorize a ḥadīth but when he tries to recall it, he fails, and thereby delivers a fatwa that is contrary to it.

This may also happen with the Qurʾān. For example, ʿUmar b. al-Khaṭṭāb ؓ prohibited people from giving more dowry than the amount which the Prophet ﷺ gave to his wives. So a woman came and reminded him about the saying of Allāh the Most High:

وَأَتَيْتُمُ إْحْدَنَهُنَّ قِنْطَارًا

And you have given one of them a heap of gold...⁴

Then ʿUmar recanted and said: *“Everyone is more knowledgeable than ʿUmar!”*⁵ He also commanded

⁴ Sūrah al-Nisā’ (4:20).

⁵ This incident is reported by al-Baihaqī in his *al-Sunan* (7/233) and its chain is weak due to it being *munqatiʿ* (disconnected).

that a woman be stoned to death because she gave birth after six months (of marriage and this implied she had committed fornication) but ‘Alī b. Abī Ṭālib ؑ reminded him about the saying of Allāh the Most High:

وَحَمْلُهُ، وَفِصْلُهُ، ثَلَاثُونَ شَهْرًا

And the bearing of him and the weaning of him was thirty months...⁶

Along with the verse:

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَدَهُنَّ حَوْلَيْنِ كَامِلَيْنِ

And the mothers should suckle their children for two whole years...⁷

Consequently, ‘Umar retracted the command to stone her.⁸

⁶ Sūrah al-Aḥqāf (46:15).

⁷ Sūrah al-Baqarah (2:233).

⁸ This incident is reported by al-Baihaqī in *al-Sunan al-Kubrā* (7/442) and others. Translator’s note: the deduction made by ‘Alī ؑ was that if the weaning of a child and pregnancy totals 30 months, and the weaning of a child is two years (24 months) – as mentioned in the verses above, then if one deducts 24 months from 30, it leaves six months for a minimum pregnancy.

‘Umar also intended to beat ‘Uyainah b. Haṣn because he was rude to him⁹, but al-Ḥārith b. Qais reminded him of the saying of Allāh the Most High:

وَأَعْرِضْ عَنِ الْجَاهِلِينَ

And turn aside from the ignorant.¹⁰

As a result, ‘Umar restrained himself.

‘Umar ؓ also denied that the Prophet ﷺ died until the following words of Allāh were recited:

إِنَّكَ مَيِّتٌ وَإِنَّهُمْ مَيِّتُونَ

Surely you shall die and they (too) shall surely die.¹¹

Upon hearing this, ‘Umar retracted his denial. He knew the ayah but he forgot it due to the gravity of the news he received. Furthermore, it may be that a scholar mentions a proof but he interprets it based on specific rules, abrogative texts, etc.

⁹ ‘Uyainah said to ‘Umar, “*You do not give us generously, and nor do you rule between us justly.*” See al-Bukhārī (7286).

¹⁰ Sūrah al-A‘rāf (7:199).

¹¹ Sūrah al-Zumar (39:30).

Without doubt, the Companions could not have come across all of what the Prophet ﷺ said and did because they would have been busy with their livelihood and belongings. As such, some attended his gatherings while others did not. When the Prophet ﷺ died, and Abu Bakr ؓ became the caliph, Abu Bakr would ask the other Companions when a matter arose and he didn't have any texts regarding the case. If the companions had a text for it he would refer to it, otherwise, he would make *ijtihād* depending on a sound legal source.

When 'Umar ؓ became the leader, the lands under the Islamic state expanded and the Companions dispersed to the different regions. In the event of a legal matter, 'Umar would ask those in his presence when he did not know a relevant text; if they had a text he would follow it; otherwise, he would practice *ijtihād*. At times, there would be a text for the ruling of that specific case with someone other than those who were in his presence. For example, 'Ammār and others had knowledge about a person performing *tayammum* to remove themselves from a state of *janābah* while

‘Umar and Ibn Mas‘ūd ؓ were unaware of this; ‘Alī and Ḥuzaifah ؓ had knowledge about the lawfulness of wiping over socks (*khufayn*) while this escaped ‘Ā’ishah, Ibn ‘Umar and Abū Hurairah ؓ though they also lived in Madīnah; according to Ibn Mas‘ūd, the son’s daughter inherits along with one’s daughter, however this knowledge escaped Abū Mūsā; Abū Mūsā, Abū Sa‘īd and ‘Ubayy had knowledge on the ruling of the specified times for seeking permission (for entering houses or bedrooms), yet this knowledge escaped *al-Fārūq* (‘Umar) ؓ; Ibn ‘Abbās and Umm Sulaim knew the ruling on the permissibility of the menstruating woman leaving the farewell circumambulation in the case that she had performed the obligatory one, but this knowledge escaped Zaid b. Thābit; moreover, ‘Alī and others had knowledge of the abrogation of the lawfulness of temporary marriage and the ruling prohibiting the eating of domestic donkeys while Ibn ‘Abbās was unaware of them; and ‘Umar, Abu Sa‘īd and others had knowledge of the impermissibility of exchanging on credit, however this escaped Ṭalhah and Ibn ‘Abbās (ؓ).

Examples like the ones above are many. And when the Companions ﷺ passed away, they were succeeded by the *Tābi'ūn* who learnt from them and differed in their degrees of knowledge and understanding. Each of them would give verdicts according to his level of knowledge as Allāh says:

لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا

Allāh does not impose upon any soul a duty but to the extent of its ability...¹²

Everyone is rewarded double for what he gets right and once for what remains undisclosed to him (from the true ruling); a person may have two texts which contain an apparent contradiction, and he might incline to one of them by way of a preponderant sign, while others might incline to the other text by way of another sign of preponderance. And examples of this are numerous.

In light of these examples, some scholars overlooked certain verses and *aḥādīth*, while their

¹² Sūrah al-Baqarah (2:286).

peers disagreed with them and took what they overlooked and vice versa without intending to oppose the text. If the proof was to be established upon one who was informed about an authentic evidence that contained no apparent contradiction or the like, then nothing would prevent him accepting it except obstinacy and *taqlīd*. And the Companions ﷺ conducted themselves in accordance with this method.

This is the end of Ibn Ḥazm's words which have been summarised.

[THE EXCUSE GIVEN TO AN IMĀM WHO DOES NOT ACT BY CERTAIN AḤĀDĪTH WITH REASON]

Ibn Qayyim also reported from his *Shaykh* Ibn Taymiyyah some inclusive reasons behind an Imām leaving the apparent meaning of a *ḥadīth* and that they fall under three categories:

FIRST: The Imām did not believe that the Prophet ﷺ said what is mentioned in the *ḥadīth*;

SECOND: The Imām believed that the Prophet ﷺ intended by his statement a specific matter (i.e. which the Imām then based his own view on);

THIRD: The Imām believed that the *ḥadīth* had been abrogated.

This third category is further divided into numerous reasons:

[For example, the] *ḥadīth* did not reach the Imām and so he practiced analogy; sometimes, his analogy may agree with a *ḥadīth* which is in fact rejected and opposes other texts. And this is the overwhelming reason behind many of the cases in which the opinions of the *salaf* contradict some *aḥādīth*.

Comprehension of the entirety of the Prophet's ﷺ Sunnah is impossible for anyone in the nation. Consider the Rightly-guided Caliphs who were the most knowledgeable people about the Prophet ﷺ, particularly Abū Bakr Al-Ṣiddīq, who rarely left the Prophet's ﷺ side. Yet the inheritance of the grandmother was unknown to him while al-Mughīrah b. Shu'bah, 'Imrān b. Ḥusain and Muḥammad b. Maslamah knew about it; the *ḥadīth* about the wife's inheritance from her husband's blood money was unknown to 'Umar until a Bedouin man told him; the

ḥadīth of taking *jizyah* from the Zoroastrians was unknown to 'Umar until 'Abd al-Raḥmān b. 'Awf told him; and the *ḥadīth* which prohibits entering a country in whose people are infected with plague was unknown to him until 'Abd al-Raḥmān b. 'Awf informed him; 'Umar also did not know about the *ḥadīth* of the wind until Abū Hurairah informed him¹³; furthermore, he used to issue fatwas at variance to the blood money due for fingers, but it was Ibn 'Abbās and Abū Mūsā who knew that the Prophet ﷺ said, "*This and this are the same.*" (i.e. the little finger and the thumb are the same with respect to the amount of blood money.) When this *ḥadīth* reached Mu'āwiyah, he applied it; 'Umar and his son 'Abd Allah would further prohibit the wearing of perfume in the state of *iḥrām* and even after the stoning of the *jamarah* before the obligatory circumambulation though it is authenticated that the Prophet ﷺ permitted this; 'Umar also believed that there was no time restriction in regards to wiping over socks (*khufayn*), while there are many authentic *aḥādīth* about the time limit; 'Alī and Ibn 'Abbās were of the opinion that a pregnant woman whose husband died (before delivery)

¹³ See Abū Dāwūd (5097) and Ibn Mājah (3727) but note that there is no mention of Abū Hurairah addressing 'Umar رضي الله عنه.

must wait for the longest of the two terms as her *'Iddah* (i.e. she would remain in a state of mourning until the waiting period was over or her child was born, whichever took the longest time), however it is authenticated from the Prophet ﷺ that he marked the delivery of the child as the end of her *'Iddah*; and Zaid b. Thābit, Ibn 'Umar and others were of the opinion that the *mufawwadah* (a woman whose husband has authorized her to divorce herself at any time) had no right to the dowry if her husband died, however, it is authenticated that the Prophet ﷺ allotted for her the dowry in its entirety. This is a vast subject indeed.

As for the cases which are recorded from other than the Companions (in this regard), then they are truly innumerable. (In short,) if some of the Sunnah was unknown to the most knowledgeable and proficient members of this nation (i.e. the Companions), then what of those who came after them!? Whoever believes that every authentic *ḥadīth* reached every individual from the Imāms, or even one particular Imām, then he has surely made a reprehensible mistake.

Abū 'Amr (b. al-'Alā'i) said, "*There is no one after the Prophet ﷺ, except that some of the Sunnah was unknown to him.*"

A large part of the canon of *ḥadīth* literature (such as the *Two Ṣaḥīḥs*, the *Sunan*, etc.) was collected after the passing of the Imāms, and it was not possible to restrict the *aḥādīth* to them, and nor did everyone who possessed these collections encompass what was in them of knowledge. Rather, the canon of the predecessors was located in their chests (i.e. they memorised them) and they were the most knowledgeable.

Another reason behind (the differences of opinion) is that a *ḥadīth* reached an Imām but he did not consider it authentic, though it was deemed authentic by others. And the *ḥadīth* is a proof for the one who it reaches in an authentic manner, and not for the one who it does not. Due to this, many Imāms would make their opinion conditional on the basis of the authenticity of a *ḥadīth*, proclaiming: *“My view regarding this matter is such-and-such; if a ḥadīth opposing my view is reported, then if that ḥadīth is authentic, it becomes my opinion.”* Examples of this are many.

[EXAMPLES OF VARIOUS REASONS BEHIND THE DIFFERENCES OF OPINION]

And Ibn Qayyim رحمہ اللہ mentioned that the reasons for differing are many things, including:

1. A *Mujtabid* believes a narrator to be weak, while another believes him to be trustworthy.
2. Some of the *Mujtabids* stipulated that the righteousness of an individual is a condition for accepting a singular *ḥadīth* (*khābr al-wāḥid*) whereas others disagreed.
3. The *Mujtabid's* lack of awareness about the semantics of the *ḥadīth*, whereby the words in it are unfamiliar to him, its wording can be interpreted in different ways, it is comprehensive or implicit and potentially carries a true or metaphoric meaning.
4. The *Mujtabid* does not discern when a specific individual is included in a general rule after becoming aware of it; this might be due to his lack of comprehension about the true nature of this individual and his likeness to others among the individuals who also fall under the general rule; or the *Mujtabid* simply fails to recall his ruling; or he thinks that the individual is exempted from the general rule by a specificity.

5. The *Mujtabid* believes that a ruling is general in a matter which is in fact not, or unrestricted in a matter which is in fact restricted, and he thereby overlooks the restriction.
6. The *Mujtabid* believes the implication of the wording in a particular contested ruling is absent, either because of his lack of awareness of the wording's implication in Islamic law and so he misinterprets it; or because it has two meanings in Islamic law and he misinterprets it to be one thing while others understand it to be something else; or because he understood something specific to be general or *vice versa*, or something unrestricted to be restricted or *vice versa*.
7. A text contradicts what is similar to it (in degree of authenticity) or is stronger than it, and the types of contradictions are numerous.

**[THE MOST GUIDED OF PEOPLE ARE THOSE
WHO ACCEPT THE TRUTH FROM WHEREVER
AND WHOMEVER IT IS FOUND WITH]**

Ibn Qayyim said:

Whoever is guided to accept the truth wherever it is found and from whoever it is with, and to reject the falsehood from whoever professes it, then he surely is from the most knowledgeable of people, rightly guided and correct in speech.

When people of such pathways differ, then their differing is one of mercy and guidance and it falls under the category of aiding one another in the religion. All of them report what they deem to be most correct; if all the different views are collated and referred to the Book of Allāh and the Sunnah of His Messenger ﷺ, and the investigator frees himself from fanaticism and zealousness and exerts all his efforts, intending thereby obedience to Allāh and His Messenger ﷺ, then it lessens the chances of failing to see what is the most correct opinion, or what is closest to it.

This kind of differing does not require enmity or splitting over a saying nor separation from unity.

[FANATICISM TOWARDS A SPECIFIC PERSON AND RIGIDITY]

I believe that since the one who is worshipped and commands us to worship Him is one, the Messenger ﷺ is one and this religion of Islām is one, then these scholars want to follow the religion and should not be belittled, for all of them have virtues and merits. Allāh the Most High states:

فَسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

So ask the followers of the Reminder if you do not know.¹⁴

So why the fanaticism over a particular person and such rigidity?

In his book *Lisān al-Mizān*, al-Ḥāfiẓ Ibn Ḥajr relates from (Imām) al-Ṭahāwī:

“Whenever Abū Ḥanīfah says (an opinion), shall I then say it too? The one who blindly follows others is but a fanatic or a fool.” These words were circulated in Egypt until it became a proverb.

¹⁴ Sūrah al-Nahl (16:43).

[THE MADHHAB OF EVERY SCHOLAR CONSISTS OF WHAT HE SAID AND DID NOT RETRACT LATER]

The *madhhab* of every Imām consists of what he said and did not retract later. Not one of the Imāms has two contradictory opinions except that he retracted one of them unless he was indecisive in regards to it.

[THE REASONS BEHIND THE DIFFERENCES OF OPINION BETWEEN THE MEMBERS OF THE MADHHABS]

It is possible that a *Mujtahid* viewed something and then retracted it in favour of something else and then he later returned to his original view. However, I cannot find an example of this among the opinions of the *Mujtahids*.

It is not possible for any of the students of an Imām or his companions to know the entire *madhhab* and this is obvious. Most of the differing that occurs between the devotees of the *madhhabs* is due to one of the following reasons:

1. Some of the members of the *madhhab* know something that others do not.

2. One member is aware of the retracted opinion but not the opinion retracted to, so he issues fatwas based on the first opinion.
3. A member is not aware of a text from his Imām, so he practices analogy with regards to the existing rulings of the Imām, but others differ with him in that analogy; as a result, he gets it right sometimes and other times another scholar does.
4. Many have differed in the meanings of the Imām's words and his evidences, and this matter is vast and endless.

[NOT EVERYTHING WHICH IS DEDUCED FROM THE WORDS OF AN IMĀM IS CONSIDERED HIS MADHHAB]

Not everything a person deduces from an Imām's sayings is necessarily his *madhhab*; rather, it sometimes agrees with his *madhhab* and other times it opposes it. It is not necessary to ascribe all the deduced sayings of the Imāms to the Imāms themselves and treat them as their actual sayings or *madhhab* because it is possible that if they were presented before the Imāms themselves, they would accept some and reject others. Similarly, the *Mujtahids* do not

ascribe what they deduce from the (sayings and actions of the) Prophet ﷺ to him as though it is his saying or from his legislation.

In his refutation of the *Rawāfiḍ*, Ibn Taymiyyah رحمه الله said:

You find that one of two parties, or one of two men, does not lie about the knowledge which he is informed of, instead they do not accept the truth that is presented to them by the other party, whether it is truth known by a narration or by way of analysis. As such, they accept from one party what is mentioned to them based on reasoning or transmission of a text, whilst rejecting what is mentioned to them by another party.

I believe this occurs often among the devotees of the Imāms of the *madhhabs*, particularly the people of our time: you find them depending only on what is reported from the people of their *madhhab*, whether that saying belongs to their Imām or not.

[REFERRING SOME MATTERS TO A SINGLE FOUNDATION AND MAKING IT A PRINCIPLE]

A BENEFIT: What seems apparent to this deficient slave (of Allāh), is that most of the legal issues mentioned in

(the books of) *Usūl al-Fiqh* have been extracted from the sayings of the Imāms. This can be observed, for example, by one looking at some of the followers of the Imāms in their subsidiary issues; one finds that many of them return to one foundation and, as a result, they make this foundation a principle for an issue and its likes and make analogies based upon it. Perhaps the successor may agree with his predecessor, or maybe he will differ with him; or perhaps he will make *taqlīd* of him. And it may be that the predecessor gets it right or that the successor gets it right. Ultimately, impartiality is the best characteristic in respect to differences of opinion, and returning back to an agreement is more befitting than separation and splitting.

Allāh ﷻ knows best about what is correct and to Him is the final return and may Allāh's peace and blessings be upon our master Muḥammad, the best of His creation, his family and Companions.

مفتی